



February 25, 2005

SENATE BILL No. 591

DIGEST OF SB 591 (Updated February 23, 2005 2:13 pm - DI 104)

Citations Affected: IC 25-33.

Synopsis: Psychologists scope of practice. Requires the state psychology board to consult with the social work certification and marriage and family therapists credentialing board before establishing, maintaining, or updating the list of restricted psychology tests and instruments.

Effective: July 1, 2005.

Miller

January 20, 2005, read first time and referred to Committee on Health and Provider Services.
February 24, 2005, amended, reported favorably — Do Pass.

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SB 591—LS 7939/DI 110+



February 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 591

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-33-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is created
3 a board to be known as the "state psychology board". The board shall
4 consist of seven (7) members appointed by the governor. Six (6) of the
5 board members shall be licensed under this article and shall have had
6 at least five (5) years of experience as a professional psychologist prior
7 to their appointment. The seventh member shall be appointed to
8 represent the general public, must be a resident of this state, must never
9 have been credentialed in a mental health profession, and must in no
10 way be associated with the profession of psychology other than as a
11 consumer. All members shall be appointed for a term of three (3) years.
12 All members may serve until their successors are duly appointed and
13 qualified. A vacancy occurring on the board shall be filled by the
14 governor by appointment. The member so appointed shall serve for the
15 unexpired term of the vacating member. Each member of the board is
16 entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b).
17 Such a member is also entitled to reimbursement for traveling expenses

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and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

(1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.

(2) Adopt and enforce rules concerning assessment of costs in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of the state for deposit in the state general fund.

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(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22.5;
- (4) a school psychologist who holds a valid:
 - (A) license issued by the professional standards board under IC 20-1-1.4-2; or
 - (B) endorsement under IC 20-1-1.9;
- practicing within the scope of the school psychologist's license or endorsement; or
- (5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.

(h) The board shall consult with the social work certification and marriage and family therapists credentialing board before establishing, maintaining, and updating the list of restricted psychology tests and instruments under subsection (g).

~~(h)~~ (i) The board shall provide to:

- (1) the social work certification and marriage and family therapists credentialing board; and
- (2) any other interested party upon receiving the request of the interested party;

a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.

~~(h)~~ (j) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection ~~(h)~~ (i) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:

- (1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments, the board may

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- 1 delete that test from the list of restricted tests; and
2 (2) the board determines that a proposed test or instrument meets
3 the criteria for restriction after reviewing objections to the test or
4 instrument, the board shall respond in writing to justify its
5 decision to include the proposed test or instrument on the list of
6 restricted tests and instruments.
- 7 ~~(j)~~ (k) This section may not be interpreted to prevent a licensed or
8 certified health care professional from practicing within the scope of
9 the health care professional's:
10 (1) license or certification; and
11 (2) training or credentials.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 591, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 40.

Page 8, reset in roman lines 16 through 34.

Page 8, between lines 34 and 35, begin a new paragraph and insert:

"(h) The board shall consult with the social work certification and marriage and family therapists credentialing board before establishing, maintaining, and updating the list of restricted psychology tests and instruments under subsection (g)."

Page 8, line 35, after "(h)" insert "(i)".

Page 8, line 35, reset in roman "The board shall provide to:".

Page 8, reset in roman lines 36 through 42.

Page 9, reset in roman lines 1 through 2.

Page 9, line 3, after "(i)" insert "(j)".

Page 9, line 3, reset in roman "The social work certification and marriage and family therapists".

Page 9, reset in roman line 4.

Page 9, line 5, reset in roman "under subsection".

Page 9, line 5, after "(h)" insert "(i)".

Page 9, line 5, reset in roman "may offer written comments or objections".

Page 9, reset in roman line 6 through 17.

Page 9, line 18, after "(j)" insert "(k)".

Page 9, line 18, reset in roman "This section may not be interpreted to prevent a licensed or".

Page 9, reset in roman lines 19 through 22.

Page 9, delete lines 23 through 42.

Delete pages 10 through 11.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 591 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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